

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CAROLYN SMITH,

Plaintiff,

-VS-

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

Case No. CIV-21-1101-F

ORDER

Defendant has filed a notice of a constitutional question. Doc. no. 11. The notice states that by its answer, defendant is questioning the constitutionality of a state statute, specifically, 23 O.S. § 9.1.


The State of Oklahoma is not a party to this action. The subject matter of the constitutional issue affects the public interest. Title 28 U.S.C. § 2403 and Rule 5.1, Fed. R. Civ. P., require the court to certify the above facts to the Attorney General of the State of Oklahoma, and the court hereby does so. *See, State of Oklahoma v. Pope*, 516 F.3d 1214 (10th Cir. 2008) (remanding where notice not given to United States Attorney General).

Accordingly, if he wishes to do so, the Oklahoma State Attorney General is granted leave to intervene in this action for purposes of presenting evidence and argument on the constitutional challenge raised by the defendant. The State Attorney General may intervene within sixty days of the date of this order.

The court clerk is **DIRECTED** to provide the State Attorney General with a copy of this order, a copy of defendant's notice of constitutional question (doc. no.

11), a copy of defendants' answer (doc. no. 8), and a copy of the court's docket sheet in this action as it now stands. The court clerk shall file the transmission email.

IT IS SO ORDERED this 28th day of January, 2022.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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